

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-04082
Date Received: 12/18/1989
Receipt No: 5010707
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD R. CUTLER 208-838-2366
Address: H.C. 67 BOX 2066
CHALLIS, ID 83226

AND/OR

Name: ZELLA M. CUTLER 208-838-2366
Address: H.C. 67 BOX 2066
CHALLIS, ID 83226

2. Date of Priority: APR 15, 1921

3. Source: BAYHORSE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	19E	7	SW	NW	SW	8	CUSTER

5. Description of diverting works:
CHECK DAM & DITCH TO PIPELINE TO SPRINKLERS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-04082

Page 1

Date: 12/18/89

COPY

INDEXED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	19E	18	NE		NE	1	IRR	8.0
			NW		NE	1	IRR	11.0
			SW		NE	6	IRR	30.0
			SE		NE		IRR	7.0
			SE		NW	6	IRR	4.0
			NW		SE	7	IRR	10.0
Section Acres								70.0
Total Acres								70.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

A PORTION OF THE LANDS CLAIMED UNDER THIS CLAIM WAS DEVELOPED UNDER SALMON RIVER WATER (72-04083, PRIORITY 1889) BUT IN 1980 THE SYSTEM FROM BAYHORSE CREEK WAS MODIFIED RESULTING IN THE WAY THESE ACRES ARE PRESENTLY IRRIGATED. THE SYSTEM CAPACITY FROM BAYHORSE CREEK IS APPROX. 3.0 CFS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Howard R Cutler Date: 12-18-89

Date: _____

State of Idaho)
County of Thur Falls) SS. .

Subscribed and sworn (or affirmed) before me this 18th day
of Dec. 19 89

[Signature]
Notary Public

Seal

Residing at Gilbert, ID
My Commission Expires 6/30/92



MAR 18 1993
MICROFILMED

7
8
17
18

ow. Selby Hansen

C-6

P/D

Ditel

Pipellix

Pipellix

19.4

34.0

34.5

20.8

10.0

12.0

3.7

8.8

7.4

6.0

13.1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04082
HOWARD R. CUTLER
ZELLA M. CUTLER
H.C. 67 BOX 2066
CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

AJ0743NP
(OD-124)
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-04082 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CUTLER HOWARD R

1 - HC 67 BOX 2066
2 -
3 - State- ID Zip- 83226

CUTLER ZELLA M City- CHALLIS
Phone - 208-838-2366
1 - HC 67 BOX 2066
2 -
3 - State- ID Zip- 83226

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/15/1921 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BAYHORSE CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County

12N 19E 7 SE NW SW 8 (37) CUSTER

+ - - - - Description Period From Water Use Diversion Rate Diversion Volume
Code Period To 04/01 10/31 2.600

01 - IRRIGATION 04/01 10/31 2.600
+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.600 0.0

+ - - - - Place of Use - - - - - + + - - - - County

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12N	19E	18	NE NE	1	12.0	01	IRRIGATION	(37) CUSTER
12N	19E	18	NW NE	1	12.0	01	IRRIGATION	(37) CUSTER
12N	19E	18	SW NE	6	37.0	01	IRRIGATION	(37) CUSTER
12N	19E	18	SE NE	16.2	16.2	01	IRRIGATION	(37) CUSTER
12N	19E	18	SE NW	6	4.0	01	IRRIGATION	(37) CUSTER
12N	19E	18	NE SW	7	2.0	01	IRRIGATION	(37) CUSTER
12N	19E	18	NE SE	4.6	4.6	01	IRRIGATION	(37) CUSTER
12N	19E	18	NW SE	7	26.2	01	IRRIGATION	(37) CUSTER

Total Acres: 114.0

+ - - Diversion Means - CHECK DAM & DITCH TO PIPELINE TO SPRINKLERS & DITCHES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-04081 & 72-04083

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Prefix Translation: RESEARCH

Water right number - R72-04082

+ - - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHT NO. 72-04081 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04081 & 72-04083.
USE OF WATER WITHIN T12N R19E S18 SENE IS LIMITED TO THE W1/2
AND W1/2 E1/2 OF THAT PLACE OF USE.
USE OF WATER WITHIN T12N R19E S18 NESE IS LIMITED TO THE NW1/4
OF THAT PLACE OF USE.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

+ - - - - - Decree Plaintiff - - - - - Decree Defendant - - - - - Decree Date - - - - -
00/00/0000

+ - - - - - Comments - - - - - +

Date: 01/09/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS
A PORTION OF THE LANDS CLAIMED UNDER THIS CLAIM WAS DEVELOPED
THE SYSTEM FROM BAYHORSE CREEK WAS MODIFIED RESULTING IN THE
FROM BAYHORSE CREEK IS APPROX. 3.0 CFS.
Date: 01/09/1999 User Id: SCLELLAN Subject: RECOMMENDATION
MEAS. CAPACITY OF PIPELINE FROM BAYHORSE CREEK AT 2.6 CFS.
Date: 01/07/2000 User Id: DJONES Subject: STIPULATED RECOMMENDATION
POU1 REMARK EDITED PER SF-5 SIGNED 11/30/99. CONDITION C16
CHANGED TO C18.

+ - - - - - Audit Fields - - - - -
70/00/10 DJONES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

1/29/1997
6/2/1997

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	-	Old Judicial District	-
Claim Received Date	- 12/18/1989	Last Amended Date	-	Temporary Right	- P
		Receipt Number	- S010707	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	-

RECEIVED

DEC 6 1999

Department of Water Resources

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

NOV 30 1999

DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 72-04082

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Howard R. Cutler
Howard R. Cutler

11-30-99
Date

Zella M. Cutler
Zella M. Cutler

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 11/30/99
Larry A. Brown *FWP* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

[Signature]

11/30/99
Date

IDWR CONCURRENCE:

APPROVED AS TO FORM

Wendy Spencer 11-30-99
Deputy Attorney Gen L Date

RIGHTS FROM: SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04082

NAME & ADDRESS: HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS ID 83226

SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.6 CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04081 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

PRIORITY DATE : 04/15/1921

POINT OF DIVERSION : T12N R19E S07 LOT 8 (SENWSW) Within CUSTER County

PURPOSE AND PERIOD OF USE : PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 2.6 CFS

PLACE OF USE : IRRIGATION Within CUSTER County
T12N R19E S18 Lot 1 (NENE) 12 Lot 1 (NWNE) 12.
Lot 6 (SWNE) 37 SENE 16.2
Lot 6 (SENW) 4 Lot 7 (NESW) 2
NESE 4.6 Lot 7 (NWSE) 26.2

114 ACRES TOTAL

USE OF WATER WITHIN T12N R19E S18 SENE IS LIMITED
TO THE W1/2 AND THE W1/2 E1/2 OF THAT PLACE OF USE.

USE OF WATER WITHIN T12N R19E S18 NESE IS LIMITED
TO THE NW1/4 OF THAT PLACE OF USE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04081 & 72-
04083.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL : BASIS OF CLAIM - BENEFICIAL USE

CERTIFICATE OF MAILING

I certify that on 11/30, 1999, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

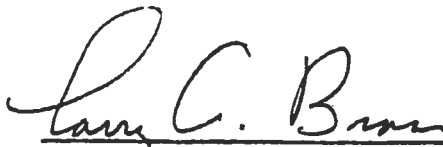
Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Howard & Zella Cutler
HC 67 Box 2066
Challis, ID 83226



Signature of person or attorney mailing the form

AJ0749NP
No. R72-04082

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/09/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD R CUTLER	04/15/1921	IRRIGATION	04-01 10-31	2.60 CFS	
C	ZELLA M CUTLER					
	HC 67 BOX 2066					
	CHALLIS ID 83226					
	(208) 838-2366					
					TOTAL DIVERSION:	2.60 CFS

Water Source: BAYHORSE CREEK Tributary to: SALMON RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T12N R19E S07 Lot08(SENMSH) CUSTER County

Place of use	Legal Description for: IRRIGATION	NE	NW	SE	SW	SUM
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac					
12N 19E 18	: 01-12 01-12 06-37 16 :					
			06-04	: 07-02		
					04 07-26	
						114.0
						114.0
						TOTAL ACRES

POU County: CUSTER

Other Rights: 72-04081 & 72-04083

Conditions of Approval:

- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 72:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 72-04081 IS LIMITED TO A

TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04081 & 72-04083.

AJ0749NP
No. R72-04082

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/09/99
PAGE: 2

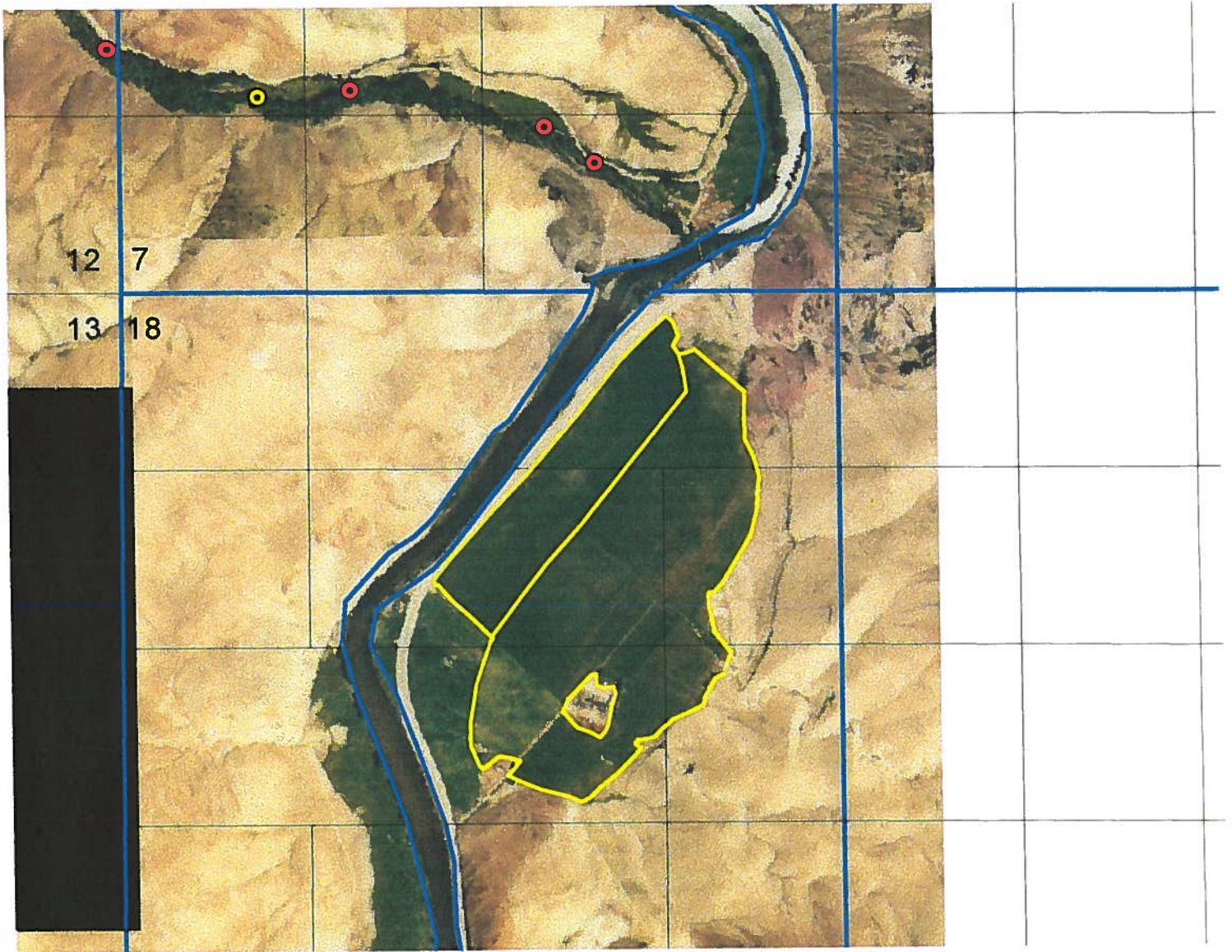
=====

Dates:	Exam Made Date: 09/23/1993	Verified Date: 01/09/1999	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: C	Presumption Flag:

=====

IDAHO DEPARTMENT OF WATER RESOURCES

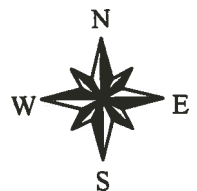
72-04081 & 72-04082



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 12N
RNG: 19E
SEC: 18



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: JAN. 9, 1999

CLAIM NUMBER
A72-04081
A72-04082
A72-04083

DATE
1/9/99

AGENT
SCU

TRANSFER NUMBER

CLAIMED ACRE TOTAL
131

GIS ACRE TOTAL
131.6

	TWP	RNG	SEC	L1 L1 NE L6				NW L6				L7 SW				L7 SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4081 CLAIM →	12N	19E	18	10		4	12					-				4	15			45
GIS																				
RECOM																				
4082 CLAIM →			18	8	11	30	7				4	-					10			70
GIS																				
RECOM →				4.8	12	37	16.2				4	2				4.5	26.2			113.3
4083 CLAIM →			18	1	10	14					9	13								47
(GIS) *TOTAL GIS-				11	13	38	16				9.6	13.9				4.5	28			134.1
RECOM → 72-04083				2.3	11	13	8				9.2	11.9								47.4

B72-DBPOU.SHP
SHAPE NOS.
505
506

4081 & 4082 Bayhorse Cr.
31 ac
CLAIM 115 AC
GIS ACRES 114

4083 SALMON R. (partial overlap)
47
47.4
48.6

(162-31) = 131 ACRES CLAIMED

See Map Review also

B72-DBPOD.SHP
NOS. DESCRIPTION
346

(#6) Bayhorse Cr. (12N19E S.7 SENWSW Lot 8) (shared w/ 72-4077) - 4081 - 4082
Delivery

(IDFG #33B) (Cannot pass through tunnels) S.19 NE SWSW Lot 7

POU #505 = 83 ac

506 = 31 ac

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT
72-04081.jpg & 72-04083.jpg

Flow Rate evaluation:
72-4081, 4082, 4083

1/9/99
sa

<u>Claimed cfs</u>			
4081	1.0	} Bayhorse Cr. pipe	IDWR meas. capacity at. 2.60 cfs
4082	3.0		
4083	6.0	Salmon R.	IDFG meas. @ #33B = 2.4 cfs

#33B was not capacity.

- less acres are under this source.
- POD in dws repair @ Tumalo.

Duty calculations:

$$4081/4082: \quad \frac{2.60 \text{ cfs}}{114 \text{ ac}} = .0228 \text{ cfs/ac}$$

- most of this land is all under sprinklers.
- Cutler said pipeline limit is 3 cfs.

4083: gravity system is irrigating 17.1 ac.
not the full 47.4 recommended.

$$\frac{2.40 \text{ cfs}}{17.1 \text{ ac}} = 0.14 \text{ cfs/ac} \quad \text{vs soil DBB of } .13 \text{ cfs/ac.}$$

seems what is expected!

based on review of fish screen photos &
observation of ditch flow in 1993 it is possible
for this ditch to carry the claimed 6.0 cfs.

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-04081, A72-04082
& A72-04083

DATE: 1/9/99, 1998

REVIEWED BY See

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
Q	.26	.21			13.2	10.4
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

Bayhorse pipe
mes. cap. @ 2.60 cfs
SR. 4083 } SR. 4083 @ #33B
IDFG mens. 2.4 cfs
4081 1.0
4082 3.0
4083 6.0 cfs

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
BB1					
DBB					

TOTAL ACRES 131.1

DECREED RATE = 1

CLAIMED DIVERSION RATE = 1

Limited by delivery systems.

(LOT 8)

4081
4082

(LOT 2)

(LOT 1)

30.8 AC.
ALL RIGHTS
OVERLAP

Acres
Review
Map

83.7²₂ ac.
SPRINKLER
ONLY
-4081
-4082

17.1²₂ ac.
GRAVITY
ONLY
72-4083

TOTAL ACRES
= 131.3

(Total
Claimed 121)

(Variations in acres
due to rounding)

acres in () will
allow GIS = Claim
for Recommendations

ACRE REVIEW: 72-4081/4082/4083

1/9/99 *see*

Quantity Review

4081 & 4082

SCC
1/9/99

4081 : 1957 1 cfs 45 ac

4082 : 1921 3 cfs 70 ac

P.O.U. ?
P.P.U. ? yes!

4081 44/114 ac

4082 70/114 ac.

combined
Codes:
(E01)(K06)(E14)

Total Recommended =

According to Mr. Cutler
improvements in pipeline
allowed an increase in flow rate.
Without measurements assume the
right was developed at flow rates
found in use.

2.60 cfs 114 acres

= 0.0228 cfs/ac

Recommended:

72-4082 1921 ~~70~~ ac * .0228 = ~~1.03~~ 1.60

72-4081 1957 45 ac * .0228 = 1.03 or 1 cfs
115

adjustment to 615 acres in most
recent right 4081

option:

2.60 cfs ÷ 70

= .037 cfs/ac

= 44 acres * .0228 = 1 cfs

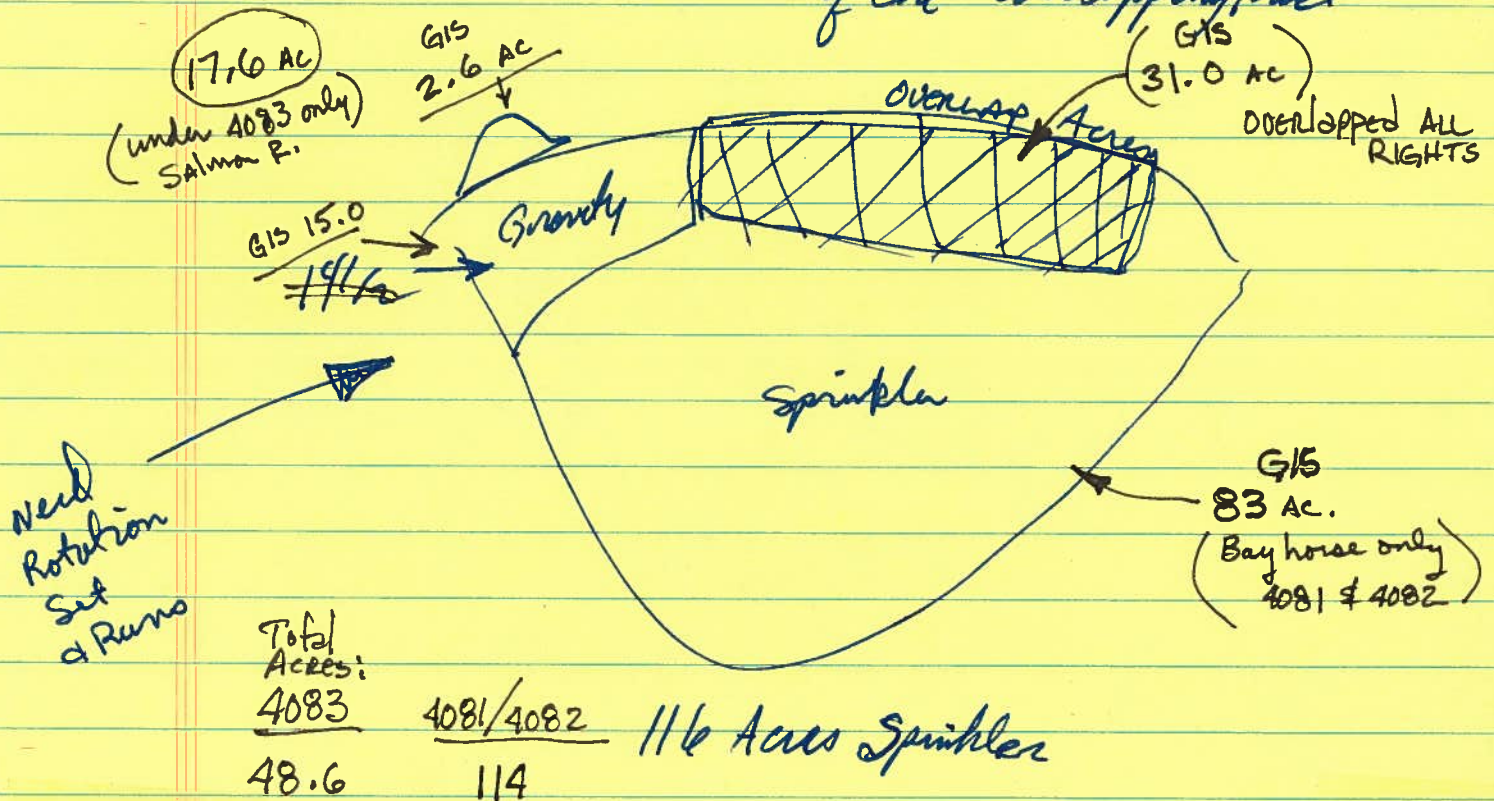
this is still w/in soil parameters!

Allow 2.6 cfs under 4082
1.0 cfs under 4081

Combined
use to
2.6 cfs

Areas
Revised
1/9/99
SEC

Possible Split of the overlapping tract



7/26 Spike to
Howard Cutler

said flow should be down.
observed - diversion at the creek full amount
- Head of pipeline had some Bypass flow

Meas. w Poly Sonic
1100 gpm $\approx$ 2.45 cfs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: BAY HORSE CREEK
2. Location: 100' below pond to ditch - Ditch conveys to pipeline across S. River
3. Person conducting measurement: STEVE CLELAND
4. Date and time of measurement: 9-7-93 4:45 pm 5:15 pm
5. Accompanied by: N/A
6. Measuring device size and ID no.: #090148 AA
7. Spin test before measurement OK? OK 2:05 min after measurement OK? 2:05 min
8. Purpose of measurement: AJ claims for Cutler

B. MEASUREMENT DATA

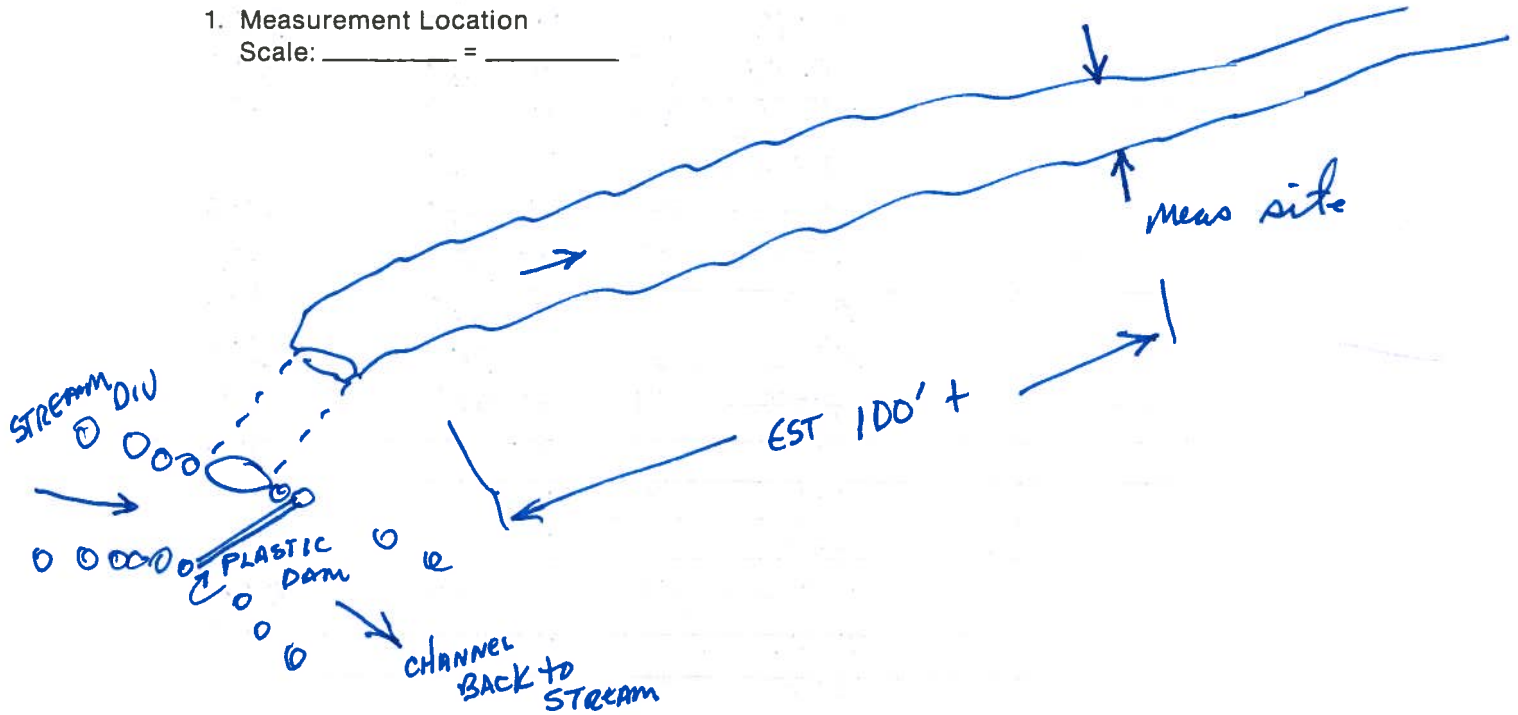
(Compare w/ poly Sonic @ Bridge Bayhorse)

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
LEW	1.5		Ø		Ø						
	1.75		.5		Ø						
	2.0		.7	.6	10	58.72					
	2.25		.8	.6	15	40.72					
	2.5		.8	.6	20	41.82					
	2.75		.8	.6	15	30.97					
	3.0		.8	.6	15	28.12					
	3.25		.8	.6	15	26.31					
	3.5		.8	.6	15	25.41					
	3.75		.8	.6	15	27.44					
	4.0		.8	.6	15	24.10					
	4.25		.80	.6	16	24.53					
	4.5		.85	.6	15	21.65					
	4.75		.85	.6	15	21.94					
	5.0		.85	.6	15	23.00					
	5.25		.85	.6	15	23.93					
	5.5		.85	.6	21	34.75					
	5.75		.85	.6	20	37.72					
	6.0		.80	.6	15	33.06					
	6.25		.8	.6	15	33.62					
	6.50		.8	.6	16	44.47					
REW	6.75		Ø		Ø						

C. DIAGRAMS

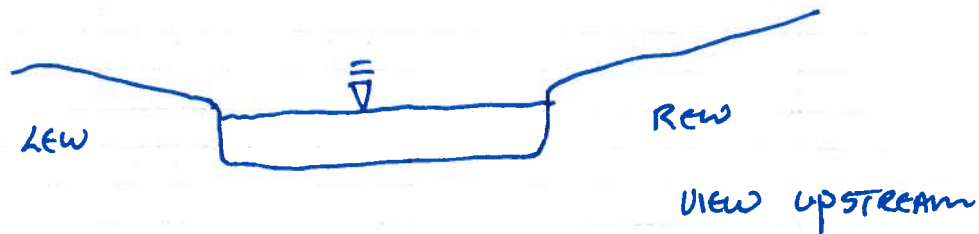
1. Measurement Location

Scale: _____ = _____



2. Cross-Section of Measurement

Scale _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated _____ excellent * good _____ fair _____ poor

2. Remarks: dirt & sand bottom, level, good meas. site
Ditch is at "normal" operating depth per water markers.

3. Width: _____ Area: _____ Discharge in cubic feet per second: _____

DATE

9-7-93

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

Shuella

9-17-93
scw

NAME OF STREAM OR DITCH BAYHORSE CR
LOCATION ----- BELOW POD 100 FT
PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
BASIS OF VELOCITY CALCULATIONS
IF YOU ARE USING A PYGMY METER ENTER ----- 1
IF YOU ARE USING A AA METER ENTER ----- 2
ENTRY ----- = 2

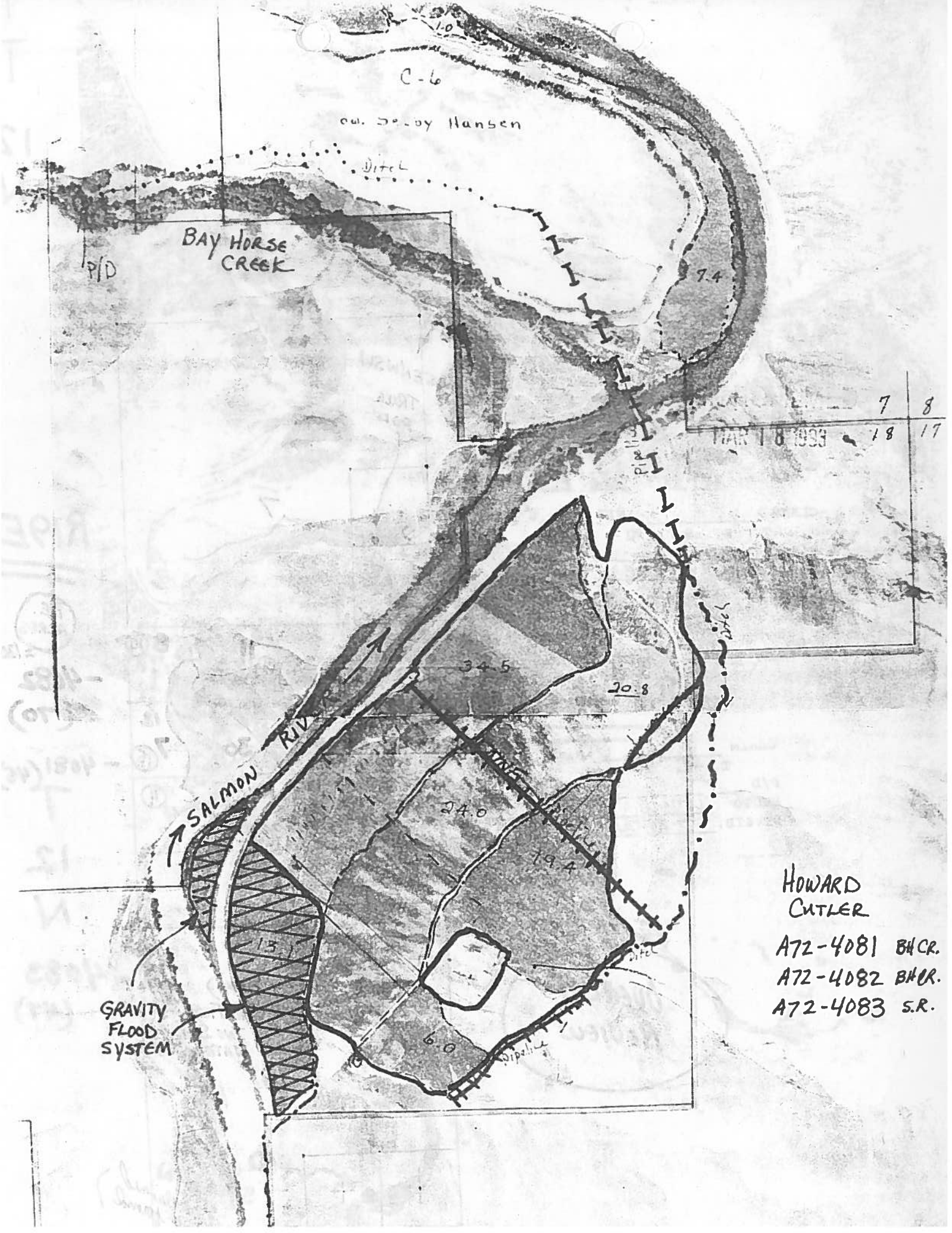
WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT -----
ACCOMPANIED BY -----
PREMEASUREMENT SPIN TEST (MIN/SEC) ---
POST MEASUREMENT SPIN TEST (MIN/SEC) - -

CUTLER
SCC
NONE
OK
OK

FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

INITIAL POINT	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA		CALC WIDTH	AREA IN SQ FT	1ST VELOCITY	CALCULATED VELOCITY		DISCHARGE IN CFS
					1ST MEASUREMENT TIME/SEC	2ND MEASUREMENT TIME/SEC				1ST POINT VELOCITY	2ND POINT VELOCITY	
				0.25								
		1.50	0.50		0	0.0	0.13	0.031		0.09	0.09	0.00
		1.75	0.70		10	58.7	0.25	0.125	0.18	0.18	0.18	0.02
		2.00	0.80		15	40.7	0.25	0.175	0.26	0.26	0.26	0.05
		2.25	0.80		20	41.8	0.25	0.200	0.37	0.37	0.37	0.07
		2.50	0.80		15	31.0	0.25	0.200	1.06	1.06	1.06	0.21
		2.75	0.80		15	28.1	0.25	0.200	1.07	1.07	1.07	0.21
		3.00	0.80		15	26.3	0.25	0.200	1.18	1.18	1.18	0.24
		3.25	0.80		15	25.4	0.25	0.200	1.26	1.26	1.26	0.25
		3.50	0.80		15	27.4	0.25	0.200	1.31	1.31	1.31	0.26
		3.75	0.80		15	24.1	0.25	0.200	1.21	1.21	1.21	0.24
		4.00	0.80		15	24.5	0.25	0.200	1.38	1.38	1.38	0.28
		4.25	0.80		15	21.7	0.25	0.213	1.35	1.35	1.35	0.27
		4.50	0.85		15	21.9	0.25	0.213	1.53	1.53	1.53	0.32
		4.75	0.85		15	23.0	0.25	0.213	1.51	1.51	1.51	0.32
		5.00	0.85		15	23.9	0.25	0.213	1.44	1.44	1.44	0.31
		5.25	0.85		15	34.8	0.25	0.213	1.39	1.39	1.39	0.29
		5.50	0.85		21	37.7	0.25	0.213	1.34	1.34	1.34	0.28
		5.75	0.85		20	33.1	0.25	0.213	0.67	0.67	0.67	0.14
		6.00	0.80		15	33.6	0.25	0.200	0.47	0.47	0.47	0.09
		6.25	0.80		15	44.5	0.01	0.008	0.99	0.99	0.99	0.01
		6.50	0.80		16		0.25	0.200	0.80	0.80	0.80	0.16
		6.75		0.40			-3.25	0.000				
												4.05

4.05 cfs



HOWARD
CUTLER

A72-4081 B4CR.
A72-4082 B4CR.
A72-4083 S.R.

T
12
N

CLAIM _____ INIT _____

T. R. S. Q/Q

P/D

PHOTO ID. U24 (SE)

7-24-74

R18E

CLAIM _____

INIT _____

T. R. S. Q/Q

P/D

PHOTO U74 (NE)

DT.&ID. 7-24-74

OVERLAP
REVIEW

4082
4081

POD
SENWSW
TRUE
POD

Claim
POD
SW NWSW

R19E

F.E.
ACRES

= 130.

-4082
(70)

-4081 (45)

T

12

N

-4083
(47)

(PINK)
LOWER FIELD
HAS TWO SOURCES
OF WATER.

19

POD
SW SESW
(as claimed
& found)

Photo:
R72-24
by SCC



CUTLER

7-26-93

POD @ Bay Horse Creek.



CUTLER

7-26-93



Photo:
R12-24
by Soc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

MODE SELECT
INPUT

R. KEITH HIGGINSON
Director

OUTER DIAMETER
12.8957 IN

OUTER DIAMETER
12.8957 IN

PIPE MATERIAL
CS-88

WALL THICKNESS
0.1530 IN

INNER LINING
NO LING.

KIND OF FLUID
WATER

SENSOR MOUNTING
0

TYPE OF SENSOR
SWALL

DATA CHANGE
0

SPACING
9.396 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OFF

09-07 18:2200 *R
1.1438 GPM

09-07 18:2200 *R
1.1528 GPM

09-07 18:2300 *R
1.1618 GPM

09-07 18:2300 *R
1.1538 GPM

MODE SELECT
02 CHECK

0450.7 *R
141.72

09-07 18:2400 *R
1.1618 GPM

09-07 18:2500 *R
1.1618 GPM

09-07 18:2600 *R
1.1618 GPM

Cutler Pipeline
@ Bay Horse Bridge 9-7-93 SCC

A72-4081

A72-4082

HOWARD CUTLER

2ND

POLY SONIC MEAS.

@ BAY HORSE BRIDGE

9-7-93

by STEVE CLELLAND

$\bar{X} = 1154 \text{ GPM}$

$= 2.57 \text{ cfs}$



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT

OUTER DIAMETER
12.0000 IN

PIPE MATERIAL
DRAIN

WALL THICKNESS
0.1000 IN

INNER LENGTH
10.0000 FT

WATER TEMPERATURE
70.0000

WATER MOUNTING

WATER OF INPUT
10.0000

WATER OF INPUT

SPACING
0.1000 IN

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OFF

MODE SELECT
CHECK

OFFLINE MODE

OFFLINE MODE

OFFLINE MODE

OFFLINE MODE

OFFLINE MODE

OFFLINE MODE

OFFLINE MODE

A72-4081

A72-4082

Howard Cutler

1st POLYSONIC MEAS.
@ BAYHORSE BRIDGE

7-26-93

by Steve Chelland

$\bar{X} = 1091 \text{ GPM}$

$= 2.43 \text{ cfs}$

7-26-93 by SCC
H. CUTLER
BAYHORSE PIPE UNDER BRIDGE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

MAY 10, 1993

R. KEITH HIGGINSON
Director

.HOWARD R OR ZELLA M CUTLER
·HC 67 BOX 2066
·CHALLIS ID 83226

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIMS A72-04081,
A72-04082 & A72-04083.

DEAR MR. & MRS. CUTLER,

YOU WERE ASKED TO SUBMIT SOME EVIDENCE OF PRIORITY FOR THE ABOVE WATER RIGHT AND THE INFORMATION HAS NOT BEEN RECEIVED IN THE INITIAL REVIEW OF YOUR CLAIM INVESTIGATION.

YOUR CLAIM IS CURRENTLY RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING THE PRIORITY DATE CLAIMED. AS EXPLAINED IN OUR PREVIOUS LETTER, BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL IN THE DIRECTOR'S REPORT DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.

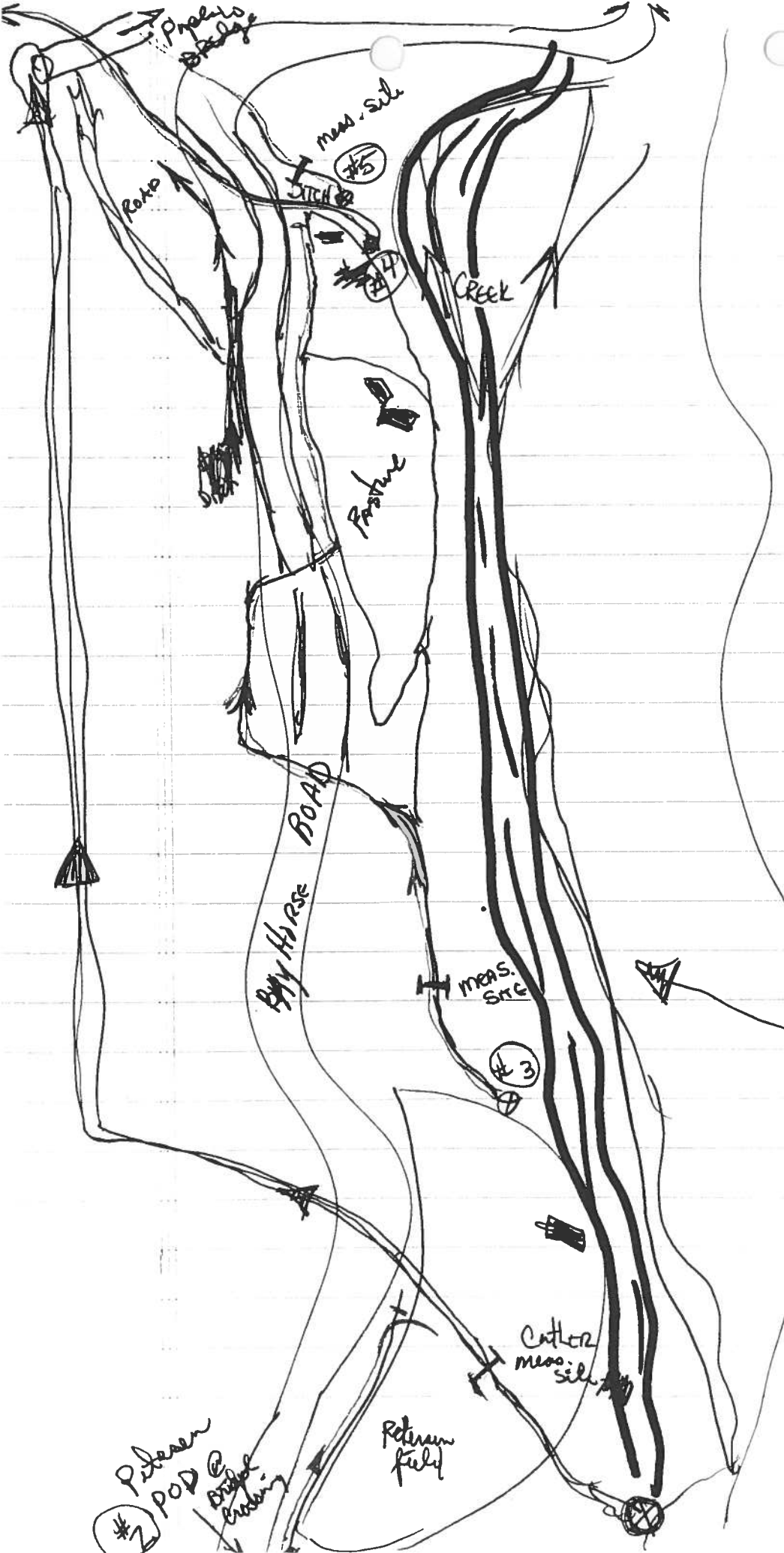
PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE WITHIN 30 DAYS OF THIS DATED LETTER. PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

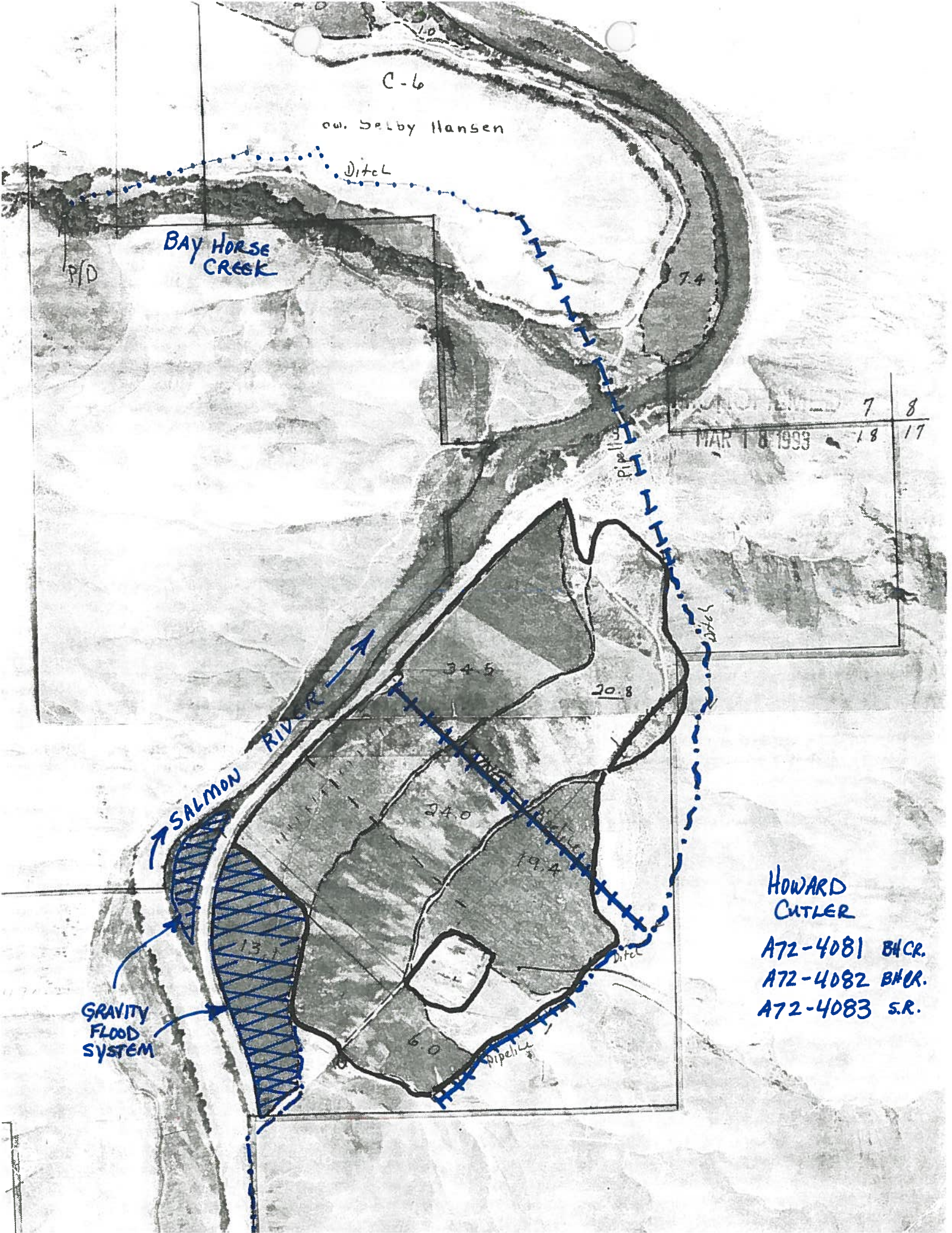
SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

9-7-93
SCC
Field Notes
for CUTLER/
PETERSEN

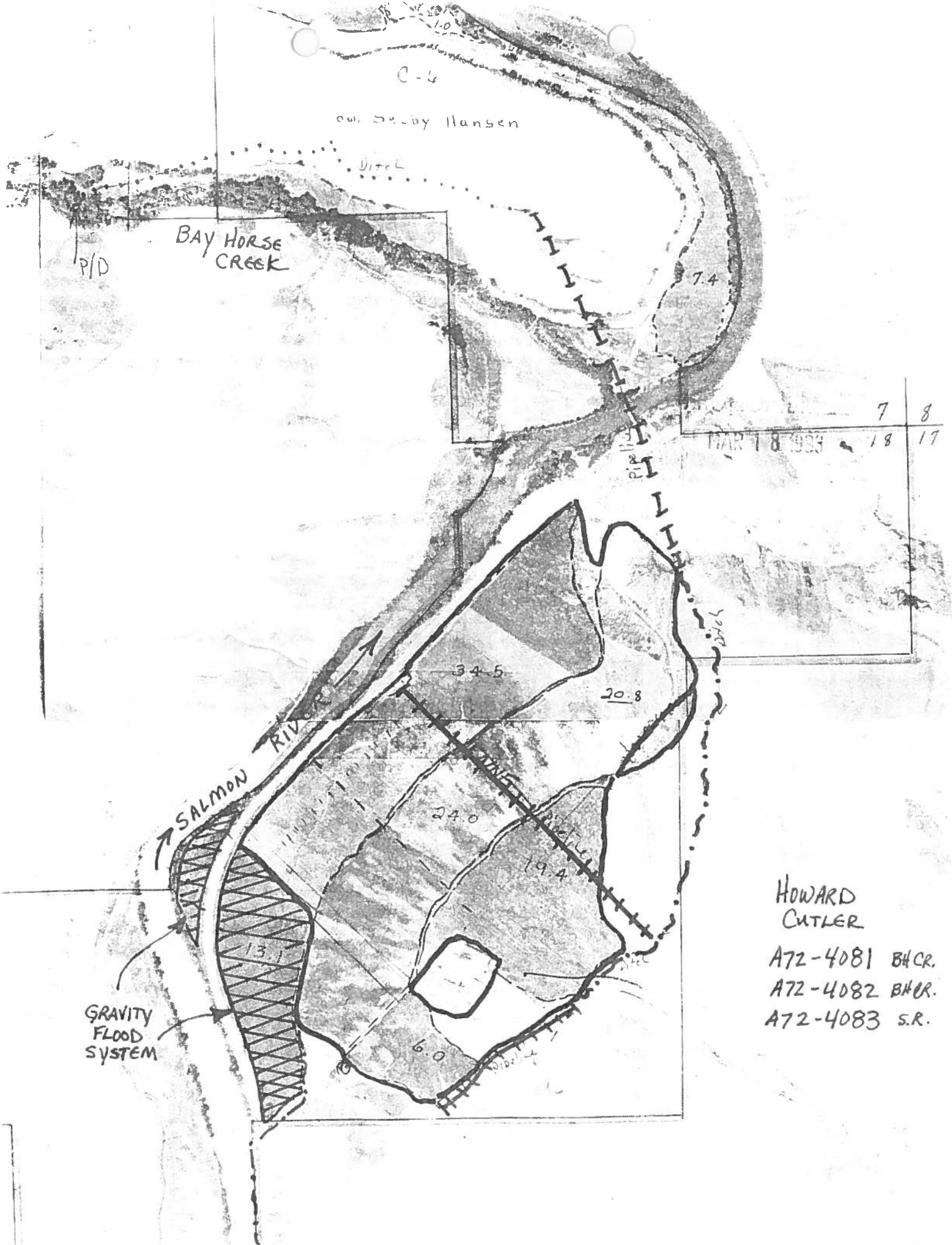
9-9-73
adjustments
& meas.





HOWARD
CUTLER

- A72-4081 B4CR.
- A72-4082 B4CR.
- A72-4083 S.R.



ow. De. by Hansen

Ditch

BAY HORSE CREEK

P/D

7	8
18	17

MAR 18 1993

GRAVITY FLOOD SYSTEM

HOWARD CUTLER

A72-4081 B4CR.
A72-4082 B4CR.
A72-4083 S.R.

T
12
N

CLAIM _____ INIT _____

T. R. S. Q/Q

P/D

PHOTO ID. U24 (SE)

7-24-74

7

R19E

R18E

CLAIM _____ INIT _____

T. R. S. Q/Q

P/D

PHOTO U74 (NE)

DT.&ID. 7-24-74

SEC.
18

19

T
12
N

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:11:56
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04082

LAST: CUTLER FIRST: HOWARD R.
ADDRESS: H.C. 67 BOX 2066
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-838-2366
OWNER CODE: C

LAST: CUTLER FIRST: ZELLA M.
ADDRESS: H.C. 67 BOX 2066
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-838-2366

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
Y EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: A PORTION OF THE LANDS CLAIMED UNDER THIS CLAIM WAS DEVELOPED
UNDER SALMON RIVER WATER (72-04083, PRIORITY 1889) BUT IN 1980
THE SYSTEM FROM BAYHORSE CREEK WAS MODIFIED RESULTING IN THE
WAY THESE ACRES ARE PRESENTLY IRRIGATED. THE SYSTEM CAPACITY
FROM BAYHORSE CREEK IS APPROX. 3.0 CFS.

A. AJ CLAIM: # A72-04082 PRIORITY DATE: 04-15-1921 STAGE: S
B. WR RECORD: # 72-04082 PRIORITY DATE: 04-15-1921 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
N		

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
04-15-1921

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04082	12N	19E	7	SW	NW	SW	8	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A72-04077
A72-04081
72-04081
WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: BAYHORSE CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04082	12N	19E	7		NW	SW	8	CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

72-04081
A72-04077
A72-04081
NONE

SOURCE: BAYHORSE CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:				
TWP.	RGE.	SEC.	1/4	1/4
			LOT	COUNTY
SOURCE: BAYHORSE CREEK			TRIB: SALMON RIVER	
REVIEWED BY:			DATE:	

A. ROOT WATER RIGHT NUMBERS: A72-04082

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	19E	18	NE	NE	1	CUTLER, HOWARD R.	A72-04082 / 8.0	72-04082 / 6.0			35.0
			NE	NE	1	CUTLER, HOWARD R.	A72-04081 / 10.0	72-04081 / 10.0			
			NE	NE	1	CUTLER, HOWARD R.	A72-10315 /				
			NE	NE	1	CUTLER, HOWARD R.	A72-04083 / 1.0	72-04083 / 2.0			
12N	19E	18	NW	NE	1	CUTLER, HOWARD R.	A72-04082 / 11.0	72-04083 / 11.0			35.0
			NW	NE	1	CUTLER, HOWARD R.	A72-04083 / 10.0	72-04083 / 11.0			
12N	19E	18	SW	NE	6	CUTLER, HOWARD R.	A72-04082 / 30.0	72-04082 / 16.0			47.0
			SW	NE	6	CUTLER, HOWARD R.	A72-04083 / 14.0	72-04083 / 14.0			
			SW	NE	6	CUTLER, HOWARD R.	A72-04081 / 4.0	72-04081 / 4.0			
12N	19E	18	SE	NE		CUTLER, HOWARD R.	A72-04082 / 7.0	72-04082 / 7.0			23.0
			SE	NE		CUTLER, HOWARD R.	A72-04081 / 12.0	72-04081 / 12.0			
12N	19E	18	SE	NW	6	CUTLER, HOWARD R.	A72-04082 / 4.0	72-04083 / 9.0			47.0
			SE	NW	6	CUTLER, HOWARD R.	A72-04083 / 9.0	72-04083 / 9.0			
12N	19E	18	NW	SE	7	CUTLER, HOWARD R.	A72-04082 / 10.0	72-04082 / 10.0			46.0
			NW	SE	7	CUTLER, HOWARD R.	A72-04081 / 15.0	72-04081 / 15.0			
			NW	SE	7	CUTLER, HOWARD R.	A72-10313 /				
			NW	SE	7	CUTLER, HOWARD R.	A72-10314 /				
			NW	SE	7	GERMER, WALTER S.	72-02059 / 12.0				
TOTAL ACRES							70.00	39.00			233.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER
DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG: C

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: -----

REVIEWED BY: -----

DATE: -----

A. AJ CLAIMED USES:

PURPOSES
A72-04082 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.000 CFS
3.000 CFS

B. WR RECORDED USES:

PURPOSES
72-04082 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.000 CFS
3.000 CFS

ASSUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

	(Y/N)	DATE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	N	-----
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	-----
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N	-----

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y(____) N(____)
Y(____) N(____) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y FIELD DATABASE EXAMINER

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04082	BAYHORSE CREEK	CUTLER, HOWARD R.	3.000	0.042		
A72-04081	BAYHORSE CREEK	CUTLER, HOWARD R.	1.000	0.022		
A72-04083	SALMON RIVER	CUTLER, HOWARD R.	6.000	0.127		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10315	DOMESTIC	CUTLER, HOWARD R.	FROM 01-01 TO 12-31	.040 CFS	
A72-10315	STOCKWATER	CUTLER, HOWARD R.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02 \text{ CFS/ACRE} =$ CFS
ACRES -----
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 175.0 AF/A

ACRES ----- $\times$ CONSUMPTIVE VOL. AF/A FOR AREA ----- =

TOTAL CONSUMPTIVE USE ----- AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES ----- $\times$ DIVERSION VOL. AF/A FOR AREA ----- =

TOTAL DIVERSION VOLUME ----- AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 3.000	DATABASE EXAMINER -----	DATABASE EXAMINER 175.0
TOTAL FOR THIS RIGHT		3.000		175.0

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04082
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.000

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS
A72-04082

CURRENT
CLAIM NUMBERS

DIVERSION
RATE
3.000

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS
72-04082

DIVERSION
RATE
3.000

TOTAL CFS

3.000

3.000

DATABASE
Y

FIELD
EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

REMARKS:

AUTHENTICATION:
SIGNATURE: _____ DATE: _____
NAME OF FIELD EXAMINER: _____ TITLE: _____

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y	None						
POINT OF DIV	Y							
SOURCE								
AGE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

3-23-93
sc

VERIFIED BY CODES
 TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:29:43
06/04/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A72-04082

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD R. CUTLER ZELLA M. CUTLER H.C. 67 BOX 2066 CHALLIS ID 83226 (208) 838-2366	04/15/1921	IRRIGATION	04-01 11-01	3.00 CFS	175.0 AFA
				TOTAL DIVERSION:	3.00 CFS	
				CONSUMPTIVE USE:		175.0 AFA

Water Source: BAYHORSE CREEK

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T12N R19E S07 Lot 8(SWNWSW)

CUSTER County

Place of use	Legal Description	for: IRRIGATION	NE	NW	SE	SW	SUM
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
12N 19E 18	: 01-08 01-11 06-30 07	:	:	:	:	:	:
						06-04	
						07-10	
						TOTAL ACRES	70.0
							70.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: NONE

Non-Irrigation Use: NONE

Remarks: A PORTION OF THE LANDS CLAIMED UNDER THIS CLAIM WAS DEVELOPED UNDER SALMON RIVER WATER (72-04083, PRIORITY 1889) BUT IN 1980 THE SYSTEM FROM BAYHORSE CREEK WAS MODIFIED RESULTING IN THE WAY THESE ACRES ARE PRESENTLY IRRIGATED. THE SYSTEM CAPACITY FROM BAYHORSE CREEK IS APPROX. 3.0 CFS.

Dates:	Exam Made Date:	Verified Date:	01/28/1986
Misc:	Water District Number:	Field Inspection Flag:	C
		Presumption Flag:	

Water Right Number - 72-04082

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
CUTLER

HOWARD R.

1 - P.O. BOX 298
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

Priority Date - 04/15/1921

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - BAYHORSE CREEK

Tributary - SALMON RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
12N	19E	7	NW SW	8		(37)	CUSTER	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		3.000	

Total Div. Rate - 3.000

Total Div. Volume -

Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12N	19E	18	NE NE	1	6.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	SW NE	6	16.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	SE NE		7.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	NW SE	7	10.0		01	IRRIGATION	(37) CUSTER

Total Acres: 39.0

- - - Diversion Means - CHECK DAM & DITCH.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks -

No Remarks found.

- - - Old Water Right Numbers -

No Old Water Right Numbers found.

- - - Conditions of Approval -

No Conditions of Approval found.

Prefix Translation: WATER RIGHT

+ - Decree Date - +
00/00/0000

No Comments Found

[illegible]

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date-	-	00/00/0000	Verified Date	-	01/28/1986	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Presumption Flag	-			-



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 9, 1999

HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS ID 83226

Re: Preliminary Recommendation of SRBA Claims 72-04081, 72-04082 & 72-04083

Dear Mr. & Mrs. Cutler,

Enclosed please find the recommendations of the claims you filed in the SRBA. Also attached is a color GIS layout that illustrates the irrigation uses. If you have any disputes with these recommendations, you need to contact our office or me as soon as possible. The reports will be submitted for final recommendation next week.

If you disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

STEVE CLELLAND

Sr. Water Resource Agent